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| Form PTO 1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV 5-93) | | ATTORNEY'S DOCKET NUMBER P51403 |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED / ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/538931 |
| INTERNATIONAL APPLICATION NO. PCT/US03/040032 | INTERNATIONAL FILING DATE 17 December 2003 | PRIORITY DATE CLAIMED 18 December 2002 |
| TITLE OF INVENTION ANTIBACTERIAL AGENTS | | |
| APPLICANT(S) FOR DO/EO/US Jeffrey M. AXTEN, Gerald BROOKS, Pamela BROWN, David DAVIES, Timothy F. GALLAGHER, Roger E. MARKWELL, William H. MILLER, Neil D. PEARSON and Mark A. SEEFELD | | |

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. The US has been elected (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. has been transmitted by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. have been transmitted by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98; and Form PTO-1449.
12. An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. A **FIRST** preliminary amendment.
(Add claim to priority via Preliminary Amendment for US originating cases only)
14. A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. A substitute specification.
16. Power of attorney.
17. An Abstract on a separate sheet of paper.
18. Copy of Form PCT/ISA/210. (1 page)
19. Other items or information.

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|---|--|--------------------------------|---------------------|-------------------|
| US APPLICATION NO. (if known see 37 CFR 1.50) 10/538931 | INTERNATIONAL APPLICATION NO. PCT/US03/040032 | ATTORNEYS DOCKET NO. P51403 | | |
| 20. [X] The following fees are submitted: | | CALCULATION PTO USE ONLY | | |
| Basic National Fee (37 C.F.R. 1.492(a)(1)-(5)): | | | | |
| <input checked="" type="checkbox"/> Basic Filing Fee.....\$300.00 | | \$300.00 | | |
| <input checked="" type="checkbox"/> Examination Fee *If International Preliminary Examination Report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).....\$100.00 | | \$200.00 | | |
| *All other situations\$200.00 | | | | |
| <input checked="" type="checkbox"/> Search Fee *Search Fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as an International Searching Authority.....\$100.00 *International Search Report prepared and provided to the Office.....\$400.00 *All other situations.....\$500.00 | | \$100.00 | | |
| TOTAL OF ABOVE CALCULATIONS = | | \$600.00 | | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | \$0.00 | | |
| Claims | Number Filed | Number Extra | Rate | |
| Total claims | 13 - 20 = | 0 | 0 x \$50.00 | \$0.00 |
| Independent claims | 1 - 3 = | 0 | 0 x \$200.00 | \$0.00 |
| Multiple dependent claims (if applicable) | | + \$360.00 | | \$0.00 |
| TOTAL OF ABOVE CALCULATIONS = | | \$600.00 | | |
| National Stage Application size fee - for each additional 50 sheets that exceed 100 sheets. No. of 50 add'l sheets <u>3</u> x \$250.00 = | | \$750.00 | | |
| | | SUBTOTAL = | | \$1,350.00 |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)) + | | | | \$ |
| | | TOTAL NATIONAL FEE = | | \$1,350.00 |
| | | Amount to be refunded | \$ | |
| | | charged | \$ | |

- a. A check in the amount of \$_____ to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. 19-2570 in the amount of **\$1,350.00** to cover the above fees.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-2570.
- d. General Authorization to charge any and all fees under 37 CFR 1.16 or 1.17, including petitions for extension of time relating to this application (37 CFR 1.136 (a)(3)).

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

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SIGNATURE

Chris P. Miller

NAME

55,852

REGISTRATION NO.

10/538931
JC09 Rec'd PTO 14 JUN 2005

PATENT
ATTORNEY'S DOCKET NUMBER P51403

TRANSMITTAL LETTER TO THE U.S. DESIGNATED OFFICE
(DO/US) - ENTRY INTO NATIONAL STAGE UNDER 35 USC 371

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ANTIBACTERIAL AGENTS

APPLICANT(S) FOR DO/US

Jeffrey M. AXTEN, Gerald BROOKS, Pamela BROWN, David DAVIES, Timothy F. GALLAGHER, Roger E. MARKWELL, William H. MILLER, Neil D. PEARSON and Mark A. SEEFELD

Commissioner for Patents
Mail Stop: PCT
P.O. Box 1450
Alexandria, VA 22313-1450
ATTENTION: DO/US

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Transmittal Letter, Form PTO 1390 and the papers indicated as being transmitted therewith, and Post Card are being deposited with the United States Postal Service on this date June 14, 2005 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV608165758US addressed to the:

Commissioner for Patents, Mail Stop: PCT, P.O. Box 1450, Alexandria, VA 22313-1450.

Teresa M. Munro
(Typed or printed name of person mailing paper)

Teresa M. Munro
(Signature of person mailing paper)

20462

CUSTOMER NUMBER